

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Shelley D. Minteer et al.

Art Unit: 1795

Serial No.: 10/598,591

Filed: September 15, 2006

Confirmation No.: 2480

For: MICROFLUIDIC BIOFUEL CELL

Examiner: Stephen J. Kalafut

June 25, 2010

COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

SIR:

**REQUEST FOR RECONSIDERATION OF THE PATENT TERM ADJUSTMENT  
PURSUANT TO 37 C.F.R. 1.705**

Applicants submit the following petition requesting reconsideration of the patent term adjustment determination and setting forth Applicants' asserted adjustment.

In response to the May 4, 2010 issuance for the above-referenced patent, Applicants respectfully request reconsideration of the patent term adjustment determination. Pursuant to 37 CFR § 1.705(d), Applicants submit the following statement of facts in support of this request for reconsideration.

The application was filed on September 15, 2006, the day that the national phase commenced. According to 35 U.S.C. 154, the term of a patent may be extended by one day for every day of delay beyond three years after the application filing date that it takes for the PTO to issue a patent as specified by 35 U.S.C. 154(b)(1)(B) ("Period B" delay). The "Period B" delay is lessened by one day for every day of Applicant delay as specified in 35 U.S.C. 154(b)(2)(C); moreover, to the extent the Period A and Period B delays overlap, the period of any adjustment may not exceed the actual number of days issuance of the patent is delayed. 35 U.S.C. 154(b)(2)(A).

In the particular instance, the Period A delay on the part of the Office was zero (0) days. The Period B delay on the part of the Office was two hundred thirty one (231) days (i.e., the period of time from three years after the filing date of the application (September 15, 2009) to

the issuance date of the patent (May 4, 2010). The applicant delay during this period was thirty-one (31) days. Therefore, subtracting Applicants' delay of thirty one (31) days from the Office's delay of two hundred thirty one (231) days results in a patent term extension of two hundred (200) days, or two hundred (200) days greater than the patent term adjustment indicated in the issued patent.

Based upon a review of the Patent Application Information Retrieval (PAIR) database regarding the subject application, it appears that the Office used the 371(c) completion date as the filing date rather than the date that the national phase commenced.

Applicants submit that the patent term adjustment should be increased by two hundred (200) days. This correction should bring the total patent term adjustment to two hundred (200) days. Applicants respectfully request a correction in the patent term adjustment to reflect the same.

Applicants' provide a \$200.00 fee under 37 C.F.R. § 1.18(e) herewith. The commissioner is hereby authorized to charge any underpayment or credit any overpayment to deposit account No. 19-1345.

Respectfully submitted,



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